

C. DUKES SCOTT  
EXECUTIVE DIRECTOR

1401 Main Street, Suite 900  
Columbia, SC 29201



Phone: (803) 737-0800  
Fax: (803) 737-0801

226086  
DAN F. ARNETT  
CHIEF OF STAFF

DAWN M. HIPPE  
DIRECTOR  
TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER

September 23, 2010

Jocelyn Boyd  
Chief Clerk/Administrator  
South Carolina Public Service Commission  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210

Subject: Dual Party Funding, Docket No. 1992-110-C

Dear Ms. Boyd,

The purpose of this letter is to obtain the approval of the Public Service Commission of South Carolina ("Commission") for the Office of Regulatory Staff ("ORS") to utilize funds from the Dual Party Relay Operating Fund for legal expenses related to the procurement of real-time closed captioning services for TV news broadcasts.

Real-time closed captioning of TV news broadcasts is currently funded by the Dual Party Relay Operating Fund. The procurement process, begun by the Commission in 2004 and transferred to ORS in 2005, is complete and U.S. Captioning is providing services under contract finalized in March 2009. However, legal matters related to the procurement still persist, and ORS is still involved with these legal matters. ORS continues to use outside counsel, with approval from the South Carolina Attorney General's Office, to assist with the on-going litigation arising from the procurement of real-time closed captioning services.

S.C. Code Ann. § 58-9-2530 allows Dual Party Operating Funds to be used for the administration and expenses related directly to providing services to the deaf and hard-of-hearing citizens. S.C. Code Ann. § 58-9-2520 identifies ORS as the administrator of the funding mechanism. ORS has incurred and continues to incur legal expenses related to the procurement of real-time closed captioning. Upon Commission approval, ORS will expense legal fees related to the procurement of real-time closed captioning from the Dual Party Relay Operating Fund.

In Order No. 2008-849 dated December 19, 2008, the Commission authorized ORS to utilize funds from the Dual Party Relay Operating Fund for legal expenses. In providing authorization, the Commission stated

Clearly the statutory law as stated by ORS allows the Fund to be used for administration and expenses directly related to providing services to the deaf and hard-of-hearing citizens of this State, and ORS is the administrator of the Fund. These legal expenses are related to the stated procurement, and ORS, as administrator of the Fund, is entitled to use them for legal expenses in the real-time closed captioning procurement litigation.

Order No. 2008-849, p. 2.

By the instant request, ORS seeks Commission approval to utilize funds from the Dual Party Operating Fund for the legal expenses of outside counsel in the continued litigation related to real-time closed captioning services for TV news broadcasts as follows: (1) approval *nunc pro tunc* to expense the legal fees of outside counsel incurred in FY 2009 - 2010<sup>1</sup> and (2) approval to expense the legal fees for outside counsel in FY 2010 - 2011<sup>2</sup>.

The ORS is available to brief the Commission on this information if deemed necessary.

Sincerely,

Dawn M. Hipp  
Director

---

<sup>1</sup> Legal fees for outside counsel in FY 2009 – 2010 were \$8,295.00.

<sup>2</sup> The South Carolina Attorney General has authorized the continued use of outside counsel in this matter and has authorized legal fees up to \$25, 000 for FY 2010 – 2011.